

August 10, 2010
Regular Council Meeting
MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 10, 2010

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, August 10, 2010, at 7:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Christina J. Luman-Bailey, Mayor
 K. Wayne Walton, Vice Mayor
 Curtis W. Harris, Councilor
 Michael C. Bujakowski, Councilor
 Gerald S. Stokes, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

 Edwin C. Daley, City Manager
 Thomas E. Lacheney, City Attorney
 Ann M. Romano, City Clerk

CLOSED SESSION

Motion was made by Councilor Pelham, and seconded by Councilor Walton, to convene into Closed Session to discuss Legal Matters (Beacon; James R. Jones; Dennis Sparks), and, Appointments to Boards & Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A)(1) and (7). Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	yes
Vice Mayor Walton	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

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Prayer was offered by Councilor Curtis W. Harris, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Walton, and seconded by Councilor Pelham, to approve the Consent Agenda: Reorganizational Meeting and Regular Meeting July 13, 2010, and Work Session July 20, 2010; Pending List; Information for Council Review: 7/19/10 Memo Social Services; School Board agenda 7/15/10 & minutes 6/8/10; HRHA agenda 7/12/10 & minutes 3/8/10; Friends of Hopewell Assn. minutes 6/28/10; HRWTF Commission meeting materials 7/26/10; TSB minutes 6/1/10 & agenda 8/3/10; VSU-new President; HRHA-request for appt; Ft. Lee-New Commander Col. Clark LeMasters, Jr.; Recreation Commission minutes 6/9/10 & Agenda 8/11/10; Personnel Change Report & Financial Report; Public Hearings Announcements: None; Routine Approval of Work Sessions: August 24, 2010; Ordinances on second and final reading: None; Routine Grant Approval: None; Proclamations/Resolutions/Presentations: None. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

PUBLIC HEARING – PROPOSED AMENDMENT TO THE CITY CHARTER, CHAPTER XXI, SECTION 1, TO INCREASE THE HOPWELL SCHOOL BOARD MEMBERSHIP FROM FIVE (5) MEMBERS TO SEVEN (7) MEMBERS

This was the night advertised as a Public Hearing to receive citizen comments regarding a proposed amendment to the City Charter, Chapter XXI, Section 1, to increase the Hopewell School Board membership from five (5) members to seven (7) members.

A Public Hearing was held at the City Council meeting held on July 8, 2008 regarding a proposed City Charter amendment, Chapter XXI, Section 1-Request to change School Board Membership from 5 to 7 members. The Resolution to approve the request was approved 4/2. At the City Council meeting held on October 14, 2008 Council Waived the Rules to add a CCR from Councilor Stokes regarding a proposed Charter Change to Chapter XXI–School Board. At the meeting held on October 28, 2008 Councilor Stokes proposed a Charter Change to Chapter XXI. School Board to raise the membership from the current five (5) to seven (7) and from appointed to elected. The proposal read, *“There shall be a School Board of The City of Hopewell which shall consist of Seven Trustees who shall be residents of The City of Hopewell and elected by qualified voters of The City of Hopewell, who are residents of each ward elected one School Board member to represent their respective ward.”* There was a 5/2 vote to the table the issue.

On November 18, 2008 there was a motion to rescind the resolution passed in July 2008 changing the membership from five to seven, which was defeated 4/2. A public hearing on the issue was held on November 25, 2008. There was a motion to deny the request for a seven-member elected school board, and a substitute motion to rescind the earlier Council action taken on July 8, 2008 and keep the Hopewell School Board at five members, which failed 4/3. The final motion was to deny the request for a charter change to have a seven-member elected school board that was unanimously approved.

The Mayor opened the Public Hearing.

Deborah Randolph, 400 Cedar Lane, Hopewell, understood that two years ago the proposal was sent to the state and it was turned down. She is opposed to the present proposal of changing from five to seven members,

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and sees no benefit. For the size of Hopewell's school system the school board is doing a good job. Increasing the size of the school board would just incur additional costs.

Carol Bruce Clark, 3041 Westmoreland Court, Hopewell, was opposed to the proposal to increase the school board from five to seven members. It would create additional costs.

Janice Denton, 807 Smithfield Avenue, Hopewell, commented that this issue had been before Council two years ago. This issue was addressed on June 24, 2008 and on July 8, 2008 it was passed. At the meeting on October 28, 2008, Councilor Stokes proposed changing from five to seven members. On November 25, 2008 a public hearing was held with five speakers opposed to the increase, and none spoke in favor of raising it. A motion was passed unanimously to leave it at five members. She questioned what had changed in the past two years that a public was being held again. The citizens spoke against it then and have spoken against it now.

There being no additional speakers, the public hearing was closed at 7:49 PM.

No action was taken and the school board remains at five members.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE CITY CHARTER, CHAPTER XXI, TO PROVIDE FOR A SEVEN (7) MEMBER SCHOOL BOARD ELECTED BY POPULAR VOTE AS SET FORTH IN § 22.1-57.3 OF THE CODE OF VIRGINIA, AS AMENDED, AND THAT THE ELECTION WARDS THAT HAVE BEEN ESTABLISHED FOR THE ELECTION OF CITY COUNCIL MEMBERS SHALL BE THE SAME FOR THE ELECTION OF SCHOOL BOARD MEMBERS

This was the night advertised as a public hearing to receive citizen comments regarding a proposed amendment to repeal and reenact the Hopewell City Charter, Chapter XXI, to provide for a seven member school board.

At the City Council meeting held on October 14, 2008 Council Waived the Rules to add a CCR from Councilor Stokes regarding a proposed Charter Change to Chapter XXI –School Board. At the meeting held on October 28, 2008 Councilor Stokes proposed a Charter Change to Chapter XXI. School Board to raise the membership from the current five to seven and from appointed to elected. The proposal read, *“There shall be a School Board of The City of Hopewell which shall consist of Seven Trustees who shall be residents of The City of Hopewell and elected by qualified voters of The City of Hopewell, who are residents of each ward elected one School Board member to represent their respective ward.”* There was a 5/2 vote the table the issue.

A public hearing on the issue was held on November 25, 2008. There was a motion to deny the request for a seven-member elected school board, and a substitute motion to rescind the earlier Council action taken on July 8, 2008 and to keep the Hopewell School Board at five members, which failed 4/3. The final motion was to deny the request for a charter change to have a seven-member elected school board that was unanimously approved.

The Mayor opened the public hearing.

Paul Karnes, 3507 Cobblestone Terrace, Hopewell, was opposed to an elected school board.

Elliott Eliades, 900 Mansion Drive, Hopewell opposed the elected school board, and feels that five School Board members are sufficient for the size of Hopewell's student body.

Leonard Hughes, 3807 Kippax Drive, Hopewell, was opposed to an elected school board, and opposed an increase from five to seven members.

No action was taken.

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PUBLIC HEARING – REQUEST THE VIRGINIA GENERAL ASSEMBLY TO AMEND THE CHARTER OF THE CITY OF HOPEWELL TO MOVE CITY COUNCIL ELECTIONS FROM MAY TO NOVEMBER, BEGINNING IN NOVEMBER 2012 AND TO EXTEND THE TERMS OF THE COUNCIL MEMBERS WHICH ARE SCHEDULED TO EXPIRE ON JUNE 30, 2012 TO DECEMBER 31, 2012

This was the night advertised as a public hearing to receive citizen comments regarding a request that the Virginia General Assembly amend the Charter of the City of Hopewell

Councilor Stokes proposed a request to the Virginia General Assembly to amend the Charter of the City of Hopewell to move City Council elections from May to November, and to extend the terms of the Council members which are scheduled to expire on June 30 to December 31.

A public hearing was held on August 14, 2007 and City Council voted 4/3 to approve an ordinance on first reading moving the City Council elections from May to November, contingent upon obtaining an amendment to the Charter of the City of Hopewell, Virginia from the Virginia General Assembly, and preclearance from the United States Department of Justice. On September 11, 2007, under Unfinished Business, some Councilors raised concerns about the proposed action in the same year as a presidential election. It was originally drafted to be implemented on July 1, 2010. From a campaign standpoint, May was less desirable because there is a lower turnout. On September 11, 2007 there was a motion to adopt Ordinance No. 2007-14 on second and final reading. After a substitute motion to table was defeated, the vote on the original motion was 3/3; that motion failed also. Council Rules were waived to consider the move from May to November in 2010 (rather than 2008). The motion passed four to two.

Councilor Stokes reported that the state will start charging for staff support for all May elections. Many other localities are in the process of changing elections from May to November. In a memo from Pam Clark, Hopewell General Registrar, dated July 12, 2010, she stated the costs of the May 2010 General Election in Hopewell were \$8,000.

The Mayor opened the public hearing.

Leonard Hughes, 3807 Kippax Drive, Hopewell, agreed to move the elections from May to November.

Janice Denton, 807 Smithfield Avenue, Hopewell, agreed to move the elections from May to November.

There being no other speakers, the public hearing was closed at 7:50 PM.

Motion was made by Councilor Shornak, and seconded by Councilor Pelham, to approve the request the Virginia General Assembly to amend the Charter of the City of Hopewell to move City Council elections from May to November, beginning in November 2012 and to extend the terms of the Council members which are scheduled to expire on June 30, 2012 to December 31, 2012.

A **Motion** to Amend was made by Councilor Pelham, and seconded by Councilor Harris to amend the wording by changing “ward” to “district” wherever it appears. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

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Upon the roll call on the original **motion**, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

PUBLIC HEARING – PPEA PROPOSAL – HARLAN CONSTRUCTION COMPANY, INC. – RESTROOMS/CONCESSION STAND AT MATHIS FIELD

This was the night advertised as a public hearing to receive citizen comment regarding a PPEA Proposal from Harlan Construction Company, Inc. to build restrooms/concession stand at Mathis Field.

On March 11, 2008, Hopewell City Council adopted guidelines sufficient to enable it to comply with the PPEA (Public-Private Education Facilities and Infrastructure Act of 2002). On or about April 16, 2010, the City issues and advertised a public notice of its receipt of an unsolicited proposal and an invitation for competing proposals relating to the design and construction of a concession stand at Mathis Field, pursuant to the PPEA. On June 22, 2010, City administration presented recommendation that the City enter into a comprehensive agreement for the design and construction of a new concession stand on City-owned property located at Mathis Field in the City. An agreement has been negotiated and is consistent with the PPEA, the Guidelines, and other applicable law, the terms of which are set out in the agreement.

The Mayor opened the public hearing. There being no speakers, the public hearing was closed at 7:55 PM.

Motion was made by Councilor Harris, and seconded by Councilor Pelham, to authorize execution of the Comprehensive Agreement between the City of Hopewell and Harlan Construction Company, Inc. for the Concession Stand at Mathis Field. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

PUBLIC HEARING – TERM LIMITS – PROPOSED RESOLUTION REGARDING TERM LIMITS OF CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS SHALL BE ELIGIBLE FOR TWO (2) FULL TERMS PLUS ANY ADDITIONAL PARTIAL TERM VACANCY THAT MAY ARISE, AND THAT THEY ALSO BE ELIGIBLE FOR A NEW APPOINTMENT TO THE BOARD/COMMISSION AFTER ONE (1) YEAR

This was the night advertised as a public hearing to receive citizen comments regarding term limits.

The City Council of the City of Hopewell desires a policy for the reappointment of members to Boards and Commissions. The City Council of the City of Hopewell desires to promote citizen participation from a broad spectrum of the community; to retain the knowledge and experience provided by board/commission members who agree to continue as members for additional terms; to seek to balance the need for this background and experience of continuing board members with the need for a broad spectrum of community participation. The City of Hopewell Board and Commission members shall be eligible for two full terms plus any additional partial term vacancy that may arise. Board and Commission members shall be eligible for a new appointment to the Board of Commission

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after one year. This policy shall guide City Council when considering appointments to the following boards/commissions: Hopewell School Board, ARLS Library Board, Planning Commission/Wetlands Board, Board of Zoning Appeals, Architectural Review Board, and the Hopewell Redevelopment and housing Authority.

The Mayor opened the public hearing.

Hank Wilde, 3310 Norton Street, Hopewell, Chairman of the BZA. He briefly described the functions, duties and training of the Board of Zoning Appeals. He feels that it takes more than one term of office to learn about serving on the BZA. On behalf of the members of the BZA, they oppose term limits.

Beverly Terretta, 3000 Luck Lane, Hopewell, is a member of the BZA. She indicated that Council should determine what power it has to limit the term of a body member who is serving as required by the Code of Virginia, and whose membership has been approved by the Circuit Court. She questioned why Council selected certain boards and commissions for term limits and not others. She did not understand the necessity of making a policy statement that Council says is not binding so why is it necessary to make that policy. Councilors and citizens who serve on the cities boards have enough discretion and common sense to know when to step down. If Council studied the requirements and qualifications to be a member of the BZA, it might discover that it does not have that broad a talent bank. She urged Council's reconsideration and more thought of the resolution.

Fred Morene, 439 Cobblestone Drive, Hopewell, referred to a joint letter to City Council dated August 9, 2010 from himself as Chair of the Planning Commission, and Hank Wilde as Chairman of the BZA (copy filed in the City Clerk's Office). The focus of this consideration is on six particular boards and commissions. He suggested that if Council decides to implement term limits, no shorter than three- or four-year terms should be considered. In addition, members' attendance records should be researched before any action is taken. He thanked Council for the opportunity to serve.

Anthony J. Zevgolis, 3003 Riverside Avenue, Hopewell, indicated that some applicants may not be good candidates. Perhaps instead of term limits, terms should indicate, "*at the pleasure of City Council.*" Consensus of Council could remove an unsatisfactory member, but candidates need good qualifications.

Elliott Eliades, 900 Mansion Drive, Hopewell, serves on the Planning Commission and supports limiting time. Council can control the time. There is a lack of people in the talent bank and he encouraged citizens to file a Talent Bank Resume. If Council should impose term limits, there should be no fewer than three terms.

There being no other speakers, the public hearing was closed at 8:16 PM.

Motion was made by Councilor Pelham, and seconded by Councilor Harris to postpone action on term limits.

DISCUSSION: After discussing the issue with some board members, it was discovered that there are limited Talent Bank Resumes. There are qualified people available but they may not be stepping forward to volunteer. Some opposition was voiced to the term limits, but there was also disagreement with postponing action. Council can remove anyone from an appointed position if service is unsatisfactory.

Councilor Pelham withdrew her **motion**, and Councilor Harris withdrew his second to the motion. No action was taken.

PUBLIC HEARING – CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO OBTAIN CERTAIN EASEMENTS, BY CONDEMNATION OR OTHERWISE, IN THE VICINITY OF, AND ALONG, HUMMEL ROSS ROAD AND RANDOLPH ROAD FOR THE PUBLIC PURPOSE OF INSTALLING CERTAIN SEWER LINES AS A PART OF THE CONSTRUCTION OF A NEW PRIMARY SEWAGE TREATMENT FACILITY

This was the night advertised as a public hearing to authorize the City Attorney to obtain easements to install sewer lines as a part of the construction of a new primary sewage treatment facility.

The Hopewell Regional Wastewater Treatment Facility has been authorized by the city Council to construct a new primary treatment plant. The construction of the new primary treatment plant is a public use for the benefit of all of the citizens of the City of Hopewell. The construction of the new primary treatment plant will require the installation of new sewer lines. Sections of the new sewer lines will need to run across private property located along Hummel Ross Road and Randolph Road (Route 10), in the City of Hopewell. The City of Hopewell needs to obtain easements to run the sewer lines across said private property. Said easements are for the public use of completing the new primary treatment plant. The City Council of the City of Hopewell will vote on approval of the above described public use. Upon approval, the City Attorney is instructed to obtain the necessary easements by purchasing said easements from the landowners and/or obtaining said easements by condemnation or such other means as may be necessary. The resolution shall be effective immediately upon its passage.

The Mayor opened the public hearing.

Leonard Hughes, 3807 Kippax Drive, Hopewell, expressed that the easements should have been gotten during the planning stages.

There being no other speakers, the public hearing was closed at 8:22 PM.

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to adopt the Resolution authorizing the City Attorney to obtain certain easements, by condemnation or otherwise, in the vicinity of, and along, Hummel Ross Road and Randolph road for the public purpose of installing certain sewer lines as a part of the construction of a new Primary Sewage Treatment Facility. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

COMMUNICATIONS FROM CITIZENS

Gary Hahn, 304 3½ Street, Hopewell, owns two properties on that street, purchased from the City at auction. He and a partner began making repairs estimated at \$68,000. However, the damages to the house were more than the estimated \$68,000. He spent the bank funding, is using his personal funds, and construction has been slow. There has been water intrusion at the location. Any time it rains it creates a lost work day, and three or four more days pumping water from the site. There have been many delays. The property required a new foundation; 25 piers have been installed and more are required. He has been calling for inspections by the City of Hopewell on a regular basis. He pre-purchased many of the supplies. Two weeks ago he received a renewal on the permit. Code Enforcement has since told him that the building would be condemned and the City Attorney confirmed that. He asked Council not to condemn the buildings that he owns on 3½ Street. They want to be allowed to finish what they started.

There being no other speakers, Communications from Citizens were closed at 8:28 PM.

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CITIZEN/COUNCILOR REQUEST – VICE MAYOR WALTON – DIRECT STAFF TO DEVELOP A WATERFRONT DEVELOPMENT ACTION PLAN (IN-HOUSE) AND HAVE IT BY THE OCTOBER 2010 WORK SESSION

Vice Mayor Walton indicated that there have been a number of public meetings on the issue of Waterfront Development. He feels that Council should reasonably develop a plan that sets priorities for the Hopewell waterfront. He provided a slide presentation that included the waterfront, Weston Manor, the trailer park, Marina, a vision from other localities, the Evergreen Motel, John Randolph Medical Center, City Park, a possible public amphitheater, and City Point.

CITIZEN/COUNCILOR REQUEST – ANTHONY ZEVGOLIS – UNFINISHED BUSINESS OF APPLYING RETROACTIVE DISCOUNTS TO HOPEWELL CITY RESIDENTS WHO MOOR BOATS AT THE CITY MARINA

Mr. Zevgolis reported that every citizen who uses Hopewell recreation facilities, including the ramp at the City Marina, receives a discount from the rates charged a non-resident, except those that moor boats there. He had approached Council on July 14, 2009. At that time all councilors concurred that all Hopewell residents should receive discounts over non-residents who use Hopewell City facilities. The then mayor said that Council had a work session scheduled the following month and that discounts for Hopewell residents' mooring boats would be given retroactive discounts. Mr. Zevgolis reappeared before Council several months later, when the mayor reiterated that the issue was on the agenda for the end of that month and indicated that Hopewell residents would receive retroactive discounts.

It has been over a year, and he has not heard from City Council or the administration concerning the matter. He did, however, receive a bill recently from the City Recreation Department retroactively billing him for an additional \$407.00 after he paid \$1,518.00 for the fiscal year July 1, 2009 thru June 30, 2010 to moor his boat at the Hopewell Marina. Mr. Zevgolis indicated that at one time discounts were mandated by the City at the Yacht Club. He keeps his boat at the Marina because of the covered shed.

Motion was made by Councilor Stokes, and seconded by Councilor Harris, to retroactively refund Marina fees to Hopewell residents who did not receive a resident discount and for the refunds to be made through December 31, 2010.

DISCUSSION: Resident discounts had been issued in the past. The Department of Recreation & Parks should research the issue and report back to City Council with a date in two months. It should develop a plan with no sunset clause. Although money has been budgeted, a 10-20% discount should not be a problem. The marina is a value to the city. It would be premature to make refunds immediately. The approximate total refunds would be \$7,000. In 2005 the Director of Recreation & Parks presented to Council a business plan. Council must make a decision whether or not to work the marina as a business. Council requested that Ms. Turek provide another plan, with fees. This should be discussed further and in more detail at a work session. The refund money will not come from the Recreation Fund, but from another source. City residents should receive a benefit regarding fees at the Marina. Discounts should be given to residents whose boats are at the marina. There should be an advantage to living in Hopewell. If we are the cheapest in the area, perhaps we should offset those who live here. It was also suggested that the dock roofs be sealed and painted.

Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

**REGULAR BUSINESS – PROPOSAL TO DISSOLVE SEVERAL BOARDS AND COMMISSIONS AS
RECOMMENDED BY THE CITY MANAGER**

The City Council of the City of Hopewell has requested the City Manager review the list of City Boards and Commissions, which was completed. The members of the designated Boards and Commissions were notified of the proposed dissolution of said Boards and Commissions. The designated Boards and Commissions are: Ashford Civic Plaza Commission; Cemetery Beautification Committee; Insurance Committee of Council; Patrick Copeland Site Committee; Solid Waste Committee; Twinning Association of Council; and the Waterfront Development Committee.

Motion was made by Councilor Stokes, and seconded by Councilor Bujakowski, to dissolve the Ashford Civic Plaza Commission, Cemetery Beautification Committee, Insurance Committee of Council, Patrick Copeland Site Committee, Solid Waste Committee, Twinning Association of Council, and the Waterfront Development Committee.

DISCUSSION: It was suggested that dissolution of the Waterfront Development Committee now should be revisited in the future, or to use the Dock Commission for such issues.

Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

**RESOLUTION AUTHORIZING DISSOLUTION OF DESIGNATED
BOARDS AND COMMISSIONS**

WHEREAS, the City Council of the City of Hopewell has requested the City Manager review the list of City Boards and Commissions; and

WHEREAS, a review the list of the City Boards and Commissions was conducted by the City Manager; and

WHEREAS, the members of the designated Boards and Commissions herein were notified of the proposed dissolution of said Boards and Commissions.

NOW THEREFORE, it is hereby resolved by the City Council of the City of Hopewell that the following Boards and Commissions are hereby dissolved:

- Ashford Civic Plaza;
- Cemetery Beautification Committee;
- Insurance Committee of Council;
- Patrick Copeland Site Committee;
- Solid Waste Committee;
- Twinning Association of Council; and
- Waterfront Committee.

REGULAR BUSINESS – APPROVAL TO APPLY FOR A LEASE WITH THE DEPARTMENT OF VETERANS AFFAIRS

The United States of America (Department of Veterans Affairs) has submitted a lease for the building known as “the lodge” located at the City Point National Cemetery in Hopewell. That lease will be for a three (3) year period and may be renewed. The Hopewell Police Department has been offered that property to use in conjunction with the United States Marshall’s Task Force. That property will be used as their office area.

Motion was made by Councilor Pelham, and seconded by Councilor Harris, to resolve to approve application for a lease with the department of Veterans Affairs. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

REGULAR BUSINESS – AMEND CITY CODE CHAPTER 11, BUILDING REGULATIONS – ORDINANCE No. 2010-20

The City needs to expand its enforcement capabilities and bring the City Code into alignment with State Code provisions. Provisions of the State Code make it necessary to update the City Code to incorporate the additional State Code provisions.

Motion was made by Councilor Harris, and seconded by Councilor Pelham, to approve Ordinance No. 2010-20 on one and only reading.

DISCUSSION: Regarding a question about regular U. S. mail vs. certified or return receipt requested, the City Attorney assured Council that proof of mailing in a U.S. Postal Service mailbox is considered proof of delivery. The City Manager will keep City Council informed of the process. Code Enforcement maintains a list of derelict buildings and drug blighted houses in the city, and additional properties will be added to that list. Citizens may report suspected blighted properties to City Council or administration.

Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

ORDINANCE NO. 2010-20

An Ordinance amending Hopewell City Code Chapter 11, Building Regulations, Article 1, In General.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that the following provisions of Hopewell City Code Chapter 11, Building Regulations, Article 1, In General, be amended as follows:

Chapter 11 BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 11-1. Fire limits.

The fire limits of the city shall include and extend to all of the territory embraced in the main business district as shown on the zoning map of the city, as amended from time to time. Such map shall be on file in the office of the city engineer.

Sec. 11-2. Smoke detectors.

(a) Approved type smoke detectors shall be installed in all of the following structures or buildings constructed within the city prior to the adoption of the Uniform Statewide Building Code:

- (1) Any multifamily building containing four (4) or more dwelling units.
- (2) Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- (3) Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations and which contain more than four (4) units.

(b) Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. The type of smoke detector may be either battery operated or AC powered units.

(c) With respect to multifamily buildings containing four (4) or more dwelling units, the owner of each such unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant and the Fire Marshall, Hopewell Bureau of Fire, with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

(d) Smoke detectors located in multifamily buildings containing four (4) or more dwelling units and not located in hallways, stairwells, and other public or common areas, shall be tested on an interim basis and maintained by the tenant; provided, however, that the owner shall be obligated to install new batteries in battery operated units at the beginning of each tenancy, and shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five (5) days of receipt of written notice that such smoke detector is in need of service, repair, or replacement. All other smoke detectors required pursuant hereto shall be tested, repaired, and maintained in working order by the owner of the structure or building. The owner shall maintain a written record of tests and repairs.

(e) Appropriate permits must be secured for the installation of smoke detectors powered by alternating current.

(f) This article shall be administered and enforced by the Fire Marshall, Hopewell Bureau of Fire.

(g) Any person who violates any provisions of this article shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

Sec. 11-3. Unsafe structures.

(a) Correction by owner. The owners of property within the City of Hopewell shall, at such time or times as the building official may prescribe, remove or repair any building, wall, or other

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structure which might endanger the public health or safety of other residents of the City of Hopewell.

(b) Correction by city. The building official may remove any building, wall, or any other structure which might endanger the public health or safety of other residents of the city wherein the owner of such property after reasonable notice and after reasonable time to do so has failed to remove or repair said building, wall, or other structure.

~~(c) Contents of notice to owner. The notice referred to in subsection (b) shall set forth: (1) The location of the building; (2) a statement of the particulars which cause the building to exist in violation of the provisions of this article; and (3) a general statement of the work to be undertaken, if the building can be repaired. The notice shall specify the time, not less than thirty (30) days, in which the work of repair or demolition shall begin, and the work of repair or demolition shall be continued with all reasonable dispatch, not longer than one hundred eighty (180) days, until the repairs are completed or the building is demolished. If the building is to be vacated, the notice shall specify the time, not less than fifteen (15) days, in which such vacation is to take place. If, in the opinion of the building official, the continued occupancy of the building will cause imminent peril to life or property, the notice may require the vacation of the building forthwith.~~

(c) The building official may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the city, if the owner and lienholder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the city. No action shall be taken by the city to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the city may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;

(d) Costs of correction by city to be charged to owner, become lien against property. In the event that the building official removes any building, wall, or any other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the city as taxes and levies are collected. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

~~(e) Appeals. Any owner or occupant aggrieved by the findings and order of the building official shall have the right of appeal to the housing board of adjustments and appeals created in section 19-31 of this code by following the procedure as outlined in section 19-35.~~

(e) The City may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(f) The building official may assess a civil penalty, not to exceed a total of \$1,000 for violations of this section.

Sec. 11-4. Illegal Drugs.

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(a) Definitions:

"Affidavit" means the affidavit prepared by the city in accordance with subdivision (b) (1) hereof.

"Controlled substance" means illegally obtained controlled substances or marijuana, as defined in Va. Code § 54.1-3401.

"Corrective action" means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

"Drug blight" means a condition existing on real property which tends to endanger the public health or safety of residents of the city and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.

"Owner" means the record owner of real property.

"Property" means real property.

(b) The City Manager, or his designee, may undertake corrective action with respect to drug blighted property in accordance with the procedures described herein:

(1) The City Manager or his designee shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the city has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

(2) The city shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the city's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to thirty days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the city will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

(3) If no corrective action is undertaken during such thirty-day period, the city shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the city may commence corrective action to abate the drug blight on the property, which date shall be no earlier than fifteen days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the city. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the city, to seek equitable relief, and the city shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

(c) If the city undertakes corrective action with respect to the property after complying with the provisions of subdivision (b) (1), the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the city as taxes are collected.

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(d) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

(e) If the owner of such property takes timely corrective action pursuant to this section, the city shall deem the drug blight abated, shall close the proceeding without any charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the city from initiating a subsequent proceeding if the drug blight recurs.

(f) Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

Sec. 11-5. Derelict Buildings.

(a) Definitions:

“Derelict building” shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been:

(i) vacant

(ii) boarded up in accordance with the building code, and

(iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

The “Building official” shall mean the person designated by the City Manager to enforce the provisions of this section.

(b) If a building qualifies as a derelict building pursuant to this section, the Building official shall notify the owner of the derelict building that the owner is required to submit to the city a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the city. Such plan shall be on the form developed by the Building official, and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the Building official. The Building official shall deliver the written notice to the address listed on the real estate tax assessment records of the city. Written notice sent by first-class mail, with a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.

(c) If the Building official delivers written notice and the owner of the derelict building has not submitted a plan within 90 days as provided in subdivision (b), the Building official may exercise such remedies as provided in this section or as otherwise provided by law.

(d) The owner of a building may apply to the Building official and request that such building be declared a derelict building for purposes of this section.

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(e) The Building official, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

(f) If the property owner's plan is to demolish the derelict building, the building permit application of such owner shall be expedited. If the owner has completed the demolition within 90 days of the date of the building permit issuance, the city shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted pursuant to Va. Code § 15.2-2306 relative to historic districts.

(g) If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of 50 percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

(h) Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than 15 years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

(i) Notwithstanding the provisions of this section, the Building official may proceed to make repairs and secure the building under Va. Code § 15.2-906, or the Building official may proceed to abate or remove a nuisance under Va. Code § 15.2-900. In addition, the city may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

Secs. 11-46--11-15. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that this ordinance shall be adopted on one and only reading and shall take effect immediately as an emergency measure.

REGULAR BUSINESS – PRE-DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOPEWELL AND ASSOCIATED CONTRACTING SERVICES, INC.

The City Administration requested authorization from City Council to terminate the Pre-Development Agreement with Associated Contracting Services, Inc. (the ‘Developer’) to determine the feasibility of developing a single-family residential development at the former Bluffs Apartment Complex site located at 600 Victoria Street (the ‘Property’). The Developer was provided a 180-day due diligence period to conduct community meetings to receive input on the redevelopment of the site, develop a preliminary site development plan, architectural designs, a market demand study, a financial feasibility and fiscal impact analysis, and negotiate the sale or lease of the property and a final Development Agreement for the project. The Developer did not complete the necessary due diligence for the proposed project within 180-day period, therefore in accordance with Section 3.1., Events of Termination, of the Pre-Development Agreement (filed in the City Clerk’s Office), the Agreement is terminated and the City has no further obligation to the Developer.

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The City of Hopewell prepared a Request for Qualifications (RFQ) and subsequent request for Proposals (RFP) to solicit developer interest in the redevelopment of the former Bluffs Apartment Complex site. The City received three (3) bid proposals. The bids were evaluated and a closed session meeting with City Council was conducted to have the developer present the redevelopment concept to City Council. After the presentation, Council authorized the City Administration to negotiate a development agreement with the developer. The City Administration and City Attorney's Office have worked cooperatively with the developer to craft an agreement that meets the needs of both parties. The developer has identified the Property as prime development opportunity and foresees the development of a residential community that will enhance the surrounding area and Weston manor. City Council approved the Pre-Development Agreement at their march 10, 2009 meeting. The developer commenced with the required due diligence studies. To date, the developer has not completed the requirements contained in Section 2.3., Due-Diligence, or Section 2.4., Obligations.

Motion was made by Vice Mayor Walton, and seconded by Councilor Bujakowski, to authorize the City manager to terminate the Pre-Development Agreement with Associated Contracting Services, Inc. for the former Bluffs Apartment Complex site at 600 Victoria Street. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

REGULAR BUSINESS – AUGUST 24, 2010 – WORK SESSION – PRE-DRAFT AGENDA

The Pre-Draft Agenda for the Work Session scheduled for August 24, 2010 includes: HRHA; Marina PPEA-Garcia; Lap Tops for Council Chambers-Elesteen Hager; Council Priorities-City Manager; Priorities for Waterfront/Central Hopewell; Microphones/Move Podium-Phil Elliott; Speakers traffic Light-Phil Elliott/Ann Romano/Mayor Luman-Bailey; Dates for Advance-City Manager/City Clerk/Debbie Pershing; Vehicles in the Yard-March Altman; Vehicles on the Street-City Manager/Police Chief/Johnnie Butler.

REGULAR BUSINESS – CITY ATTORNEY – AMENDED COUNCIL RULES AND PROCEDURES

On June 1, 2010 City Attorney Tom Lacheney sent an Internal Memo to City Council with proposed changes to the Council Rules and Procedures, and a detailed explanation of the amendments. All of the proposed changes are suggestions and not legal requirements. However, the changes will allow for a more efficient council meeting. Council was given a copy of the Amended Council Rules and Procedures for review at the July 13, 2010, and for consideration for approval on August 10, 2010.

Motion was made by Councilor Stokes, and seconded by Councilor Shornak, to approved the Amended Council Rules and Procedures as presented by the City Attorney, Sections 105, 204, 206, 301, 303, 401, 405, 407, and 410. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes

REGULAR BUSINESS – APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Bujakowski, seconded by Councilor Shornak, and unanimously passed to appoint Toni Cortese to the Neighborhood Watch Advisory Council from Ward #3 for a term extending through October 31, 2011.

Motion was made by Vice Mayor Walton, seconded by Councilor Pelham, and unanimously passed to appoint Tiana Stokes, Student Representative, to the Recreation Commission for a two-year term extending through May 31, 2012.

Mayor Luman-Bailey announced the following current vacancies: Board of Building Code and Fire Prevention Code Appeals, 5-year term, 1 vacancy, term to 10/31/15; Neighborhood Watch Advisory Council, 2-year term, 1 vacancy, term to 10/31/12 (Ward #1), 1 vacancy, term to 10/31/12 (Ward #7); Recreation Commission, 4-year term, 1 vacancy, term to 10/31/14. Appointments will be considered at the September 14, 2010 Council meeting.

REPORTS OF COUNCIL COMMITTEES

Vice Mayor Walton recently attended the VML Community Development Committee meeting and discussed Policy Statements; Health Urban Centers; fees; Alcohol Beverage Control privatization; predatory lending (charging 200% - 400%); and unfinished buildings (under construction). Consideration to abolish the Machinery & Tools Tax and BPOL Tax was discussed. Mr. Walton favored a regional effort to fight that. He urged contacting Delegate Ingram, Delegate Morrissey, Senator Quayle, and Senator Marsh.

Mayor Luman-Bailey reported attending the VML – Environmental Committee, which supports adequate state appropriations to water quality improvement.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Bujakowski thanked those who came to speak at the public hearings. He was disappointed in the lack of turn out on some important issues, such as: elected school board; increasing the size of the school board from five to seven; and term limits on boards and commissions. He challenged City Council to motivate people to help Hopewell. The city needs people to become involved, and he encouraged citizen participation.

Councilor Stokes referred to the seven-person elected school board. The Justice Department did not allow five members to be elected at large, but would have allowed seven to be elected because City Council is elected that way.

Councilor Pelham thanked Ward #6 Neighborhood Watch and Pastor Mavin who organized its creation. They meet on the Thursday, August 5, 2010. There will be a Neighborhood Watch meeting on August 19, 2010 on August 19, 2010 at the Elks Lodge at 7:00 PM. A Community Day was held last Saturday, August 7, from 12:00-6:00 PM. She thanked Burt Hunter of the VFW, Post #10387, who coordinated the event. There are two school supply give-aways planned: one for August 28, 2010 at Crystal Lake from 9:00 AM – 1:00 PM, and one on September 4, 2010 from 1:00-3:00 PM at Carter G. Woodson Middle School, sponsored by ROC, The Reach Out Center and Petersburg Children's Foundation.

Vice Mayor Walton reported the success of the City-Wide Neighborhood Watch National Night Out on August 3 at Crystal Lake. He also announced that the United Way will hold a Golf Tournament on October 22 at the Jordan Point Golf Club; a \$5,000 grant will be donated to the USO.

Mayor Luman-Bailey also remarked on the success of the National Night Out. She announced a school supply and backpack give away on Saturday, August 28 at the Hopewell Community Center. She encouraged everyone to attend, and contributions are welcomed. In another matter, Senator Mark Warner's staff member, Patrice Lewis, will be at the Library on August 26 from 10:00 AM – Noon to listen to citizen concerns and to

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answer questions. The Mayor thanked the Redlings, the Pritchards, and Dr. Morris who assisted with the outdoor movie on August 9, "Kung Fu Panda." Dr. Morris provided a live demonstration before the movie. He is also heading the 5K Committee whose goal it is to have 1,000 or more participants. They are raising money to help school children with field trips. Training will start on Saturdays, at the SunTrust near John Randolph Foundation. Participants may walk rather than run in the 5K, which will be held on the last Saturday in October (30th).

ADJOURN

At 9:20 PM **motion** was made and unanimously passed to adjourn the meeting.

Christina J. Luman-Bailey
Mayor

Ann M. Romano, City Clerk